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**VIOLATION OF SUPERVISION /PROBATION PROCEEDINGS MINUTE SHEET**

		Time In/Out:	10:20 - 11:00 am	Court Time:	40 minutes	
			Date:	May 22, 2013		
	Cr. No.	05-1849 JH	USA v.	Lloyd Montoya		
		The Honorable	Judith C. Herrera			
Clerk:		I. Duran		Court Reporter:		P. Baca
Defendant:		Present		Defendant's Counsel:		Roberto Albertorio
AUSA:		Paul Mysliwicz		Probation Officer:		Christopher Aguilar
VSR Held:		Santa Fe, NM		Interpreter:		None
<b><u>ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS</u></b>						
X	Court advises / confirms Defendant is aware of charges and possible penalty.					
X	Defendant <b>ADMITS</b> violation(s): Deft failed to refrain from unlawful use of a controlled substance to wit: cocaine					
X	Proceed to sentencing					
X	Violation Report <b>WAIVED</b>					
	Other:					
<b><u>SENTENCE IMPOSED</u></b>						
Supervision imposed:			Imprisonment:	4 months	Supervised Release:	36 months
<b><u>SPECIAL CONDITIONS</u></b>						
X	Deft must comply w/standard conditions.					
X	Deft must participate in & successfully complete an outpatient substance abuse treatment program; Deft must submit to a search of his person, property, etc.; deft must refrain from use & possession of alcohol & other forms of intoxicants; deft must refrain from the use & possession of synthetic cannabinoids or other legally sold designer drugs; deft shall have no contact w/the co-defts in this case; and deft may be required to participate in a residential treatment program.					
<b><u>OTHER</u></b>						
X	<b>ADVISED OF</b> Appeal Rights					
X	<b>HELD IN CUSTODY</b>					
		Recommended place of incarceration:				
NOTES:		<p><b>Ct. calls case.</b>  <b>Counsel enter their appearances. Defense states that deft will admit to the violations. Govt. recites violations &amp; penalties. Deft admits to violations. Ct. finds that a factual basis exists for revocation of supervision. Defense tenders to the Court a letter from his employer &amp; makes argument for a time served sentence &amp; for continuation of supervision &amp; for an outpatient treatment program. Deft allocutes to the Court. Govt. responds. Probation recommends 5 months of incarceration with continued supervision. Defense readdresses Ct. Ct. addresses the deft. Bench conference held with Probation. Defense asks for reconsideration &amp; requests that the petition be held in abeyance. Govt. responds. Probation objects to holding the petition in abeyance. Defense makes inquiry. Ct. makes findings. Ct. has reviewed the violation report &amp; the sentencing guidelines &amp; the factors under 3553 &amp; imposes sentence.</b></p>				